



# Animal Care Annual Report of Activities

## Fiscal Year 2007



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
APHIS 41-35-075

Under the AWA, random-source dealers are required to maintain accurate records of the acquisition and disposition of their animals. APHIS' traceback efforts focus on ensuring that these records are accurate and complete. To optimize these efforts, APHIS conducts quarterly inspections of all random-source dealers. At least two tracebacks are conducted during every inspection, whether the animals were obtained from random sources or from original owners or breeders. The traceback process also includes asking the original source of the animal what that person was told about the animal's future disposition—e.g., whether the person was told that the animal could be used in biomedical research.

At the end of FY 2007, there were 10 Class B dealers selling dogs and cats to research facilities, down from more than 100 in the early 1990s.

## After the Inspection

If AC inspectors discover conditions or records that are not in compliance with the regulations, AC typically establishes a deadline for correcting these items and provides it in the inspection report. In conjunction with IES, AC immediately investigates any situations that may have caused unnecessary animal suffering or death. Inspectors are required to reinspect any facilities where areas of noncompliance were found that have, or are likely to have, an impact on the well-being of the animals. If the conditions remain uncorrected, AC documents them for possible legal action. In cases of unrelieved suffering, AC may confiscate the animals or arrange for their placement elsewhere. With the assistance of IES, AC acted in 8 such situations in FY 2007, resulting in the confiscation/surrender and placement of approximately 220 animals.

Table 3: FY 2007 AWA Inspections<sup>1</sup>

	Total number of regulated facilities <sup>2</sup>	Compliance inspections	Pre-licensing/Pre-registration inspections	Attempted Inspections
Dealers	5,239	6,909	1,160	956
<b>Breeders fall under this category.</b>				
Exhibitors	2,490	3,626	393	440
In-Transit carriers <sup>3</sup>	186	787	0	23
In-Transit handlers	246	222	0	26
Research facilities	1,088	1,657	1	39
Not yet licensed/registered	—	115	129	4
All facilities	9,249	13,316	1,683	1,488

<sup>1</sup> Inspections for compliance are unannounced inspections and re-inspections. These do not include pre-licensing or pre-registration inspections, auction market observations, or attempted inspections. Pre-licensing/pre-registration inspections are announced. Observations of licensed and unlicensed auction markets are made to locate unlicensed dealers. Attempted inspections could not be performed for certain reasons—usually because there was no one available at the facility when the inspector arrived unannounced.

<sup>2</sup> See the *Glossary of AWA Terms* for the definitions of “facility.”

<sup>3</sup> In-transit carriers is a category representing commercial airlines. Each airline may have two or more animal transportation sites at each airport it serves. Due to frequent changes in airline activities and other factors, the number of sites may vary.

Table 4: Total Number of Inspections Performed, FY 2005–2007

FY	Number of Inspections
2007	16,487
2006	20,311
2005	18,290

## Results by Numbers

In FY 2007, APHIS imposed animal welfare-related penalties totaling more than \$614,000.

Table 9 provides detailed information on the number of animal welfare and horse protection enforcement actions conducted and resolved during FYs 2005–2007. It should be noted that not all cases are submitted and settled during the same fiscal year; a case can take considerable time to work its way through the legal system and appeals process.

## Performance-Based Management

Under the mandate of the Government Performance and Results Act, AC has taken an active role in measuring its effectiveness in meeting the provisions of the AWA. By measuring its effectiveness, the AC program can continue to make changes when necessary to improve the administration and enforcement of the AWA. The primary measure used in FY 2001–2007 was the percentage of facilities in compliance with regulations. The overall level of facility compliance for FY 2007 was 68 percent. Between FY 2002 and FY 2006, facility compliance averaged 69 percent.

The AC management team has continued the development and implementation of additional measures of program effectiveness. One measure, “percentage of licensees or registrants in substantial compliance,” was instituted in FY 2007 in order to gauge the direct result of inspection and outreach activities aimed at increasing compliance. In FY 2007, 97 percent of facilities were in substantial compliance with the AWA, meaning they had no documented violations of the AWA or only minor noncompliances on their most recent inspection report. Examples of minor noncompliances are gaps in perimeter fencing or improper storage of supplies that can be easily addressed with minimal cost or effort by the licensee or registrant.

In FY 2007, AC also introduced the use of a second measure, “percentage of stakeholders who find outreach activities useful.” AC has found that outreach activities such as workshops and discussions are a vital tool for promoting treatment of regulated animals that meets or exceeds AWA standards. Feedback indicated that during FY 2007, 75 percent of attendees found the outreach activity in which they had participated to be useful in conducting their daily business.

**Table 9: AC Enforcement for Cases Referred to IES**

FY	2007	2008	2009
Cases	482	480	575
IES Review	302	249	391
Warnings	83	283	219
Stipulations	191	95	87
Submitted to OGC	73	80	76
ALJ Decision	78	96	82
No Violations	67	53	208
Submitted Externally/ Penalty	82	24	11
Stipulations Paid	\$262,200	\$263,596	\$160,184
Civil Penalty	\$614,132	\$644,220	\$946,184

### Chart Key

Cases—Number of cases investigated  
 IES Review—Number of cases received by IES for review  
 Warnings—Number of letters of warning issued  
 Stipulations—Number of cases closed with a stipulation paid  
 Complaints—Number of formal complaints sent by APHIS and USDA's OGC to USDA's Administrative Law Court  
 ALJ Decisions—Number of formal decisions from Administrative Law Judges  
 No Violations—Number of cases closed with no violations found  
 Stipulations Paid—Amount of money collected as a result of stipulation agreements  
 Civil Penalty—Total amount of money collected as a result of Administrative Law Judge Decisions